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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,853	08/06/2003	David Cook	LET-109	7008

28970 7590 05/17/2005

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,853	COOK ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on January 19, 2005 has been received and entered. Claim 21 has been cancelled. Therefore, claims 1-20, and 22 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leeke et al. (U.S. Patent No. 6,587,127) in view of Hayward (U.S. Pub. No. 2004/0051812 A1)

As to claim 1, Leeke et al. discloses a method for providing media samples (See Leeke et al. figure 1, 142, "player") comprising:

receiving a request including at least one media keyword (See Leeke et al. column 21, lines 17-50);

identifying one or more media samples that correspond with the at least one media keyword (See Leeke et al. column 21, lines 17-50); and

in response to a selection to preview an identified media sample, providing the identified media sample to enable playback on a media device (See Leeke et al. column

4, lines 20-30, also see Leeke et al. column 9, lines 1-32, also see Leeke et al. column 22, lines 53-66).

Leeke et al. does not teach downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player.

Hayward teaches downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player (See Hayward page 1, paragraph 0004, prior art, also see Hayward page 3, paragraphs 0028-0032).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. to include downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. by the teaching of Hayward to include downloading a branded player to enable playback of the identified media sample when the identified media sample is associated with a branded player because it allows for better targeting and customization of distributed media leading to reduced business costs (See page 1, paragraph 0005, prior art).

As to claim 2, Leeke et al. as modified discloses wherein the one or more media samples are identified in conjunction with search results from performing a search based

upon the media keyword on a search engine (See Leeke et al. column 21, lines 17-50).

As to claim 3, Leeke et al. as modified discloses wherein the one or more media samples are identified as links on a search results page of a search engine (See Leeke et al. column 14, lines 45-67, also see Leeke et al. column 49, lines 13-30, also see Leeke et al. column 33, lines 1-20).

As to claim 4, Leeke et al. as modified discloses wherein a consumer is enabled to access other search results during playback of the identified media sample (See Leeke et al. column 40, lines 41-52, also see Leeke et al. column 47, lines 56-67, and see Leeke et al. column 48, lines 1-10).

As to claim 5, Leeke et al. as modified discloses further comprising including a call-to-action statement during playback of the identified media sample (See Leeke et al. column 14, lines 64-67, also see Leeke et al. column 15, lines 1-37).

As to claim 6, Leeke et al. as modified discloses wherein the media device plays the identified media sample on the branded player that is associated with a retailer (See Leeke et al. figure 1, 142, "player", also see Hayward page 1, paragraphs 0004-0005, prior art, wherein "retailer" reads on "content provider", and see Hayward page 3, paragraphs 0028-0032).

As to claim 7, Leeke et al. as modified discloses wherein the branded player provides a link to a consumer to purchase media that corresponds to the identified media sample (See Leeke et al. column 33, lines 1-20, also see Leeke et al. column 35, lines 6-35).

As to claim 8, Leeke et al. discloses method for providing media samples comprising:

receiving a search request from a consumer device (See Leeke et al. figure 6, 244, wherein "search request" reads on "select"), wherein the search request includes at least one media keyword (See Leeke et al. figure 22, 224); and

automatically providing a media sample that corresponds with the at least one media keyword to the consumer device, wherein the media sample is automatically played on a media player associated with the consumer device (See Leeke et al. column 21, lines 17-50, also see Leeke et al. column 4, lines 20-30, also see Leeke et al. column 9, lines 1-32, also see Leeke et al. column 22, lines 53-66).

Leeke et al. does not teach wherein a branded player associated with the media sample is automatically provided so that the media layer plays back the media sample on the branded player.

Hayward teaches wherein a branded player associated with the media sample is automatically provided so that the media layer plays back the media sample on the branded player (See Hayward page 1, paragraph 0004, prior art, also see Hayward page 3, paragraphs 0028-0032).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. to include wherein a branded player associated with the media sample is automatically provided so that the media layer plays back the media sample on the branded player.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. by the teaching of Hayward to include wherein a branded player associated with the media sample is automatically provided so that the media layer plays back the media sample on the branded player because it allows for better targeting and customization of distributed media leading to reduced business costs (See page 1, paragraph 0005, prior art).

As to claim 9, Leeke et al. as modified discloses wherein at least one search result is identified to the consumer device (See Leeke et al. figure 23, 224), and the consumer device is enabled to access the search result during playback of the media sample (See Leeke et al. column 40, lines 41-52, also see Leeke et al. column 47, lines 56-67, and see Leeke et al. column 48, lines 1-10).

As to claim 10, Leeke et al. as modified discloses wherein the media sample is identified in conjunction with search results from performing a search based upon the at least one media keyword on a search engine (See column 21, lines 17-67).

As to claim 11, Leeke et al. as modified discloses wherein the media sample is identified as a link on a search results page of a search engine (See Leeke et al. column

21, lines 31-67, also see Leeke et al. column 14, lines 45-67).

As to claim 12, Leeke et al. as modified discloses wherein a consumer is enabled to access other search results during playback of the media sample (See Leeke et al. column 40, lines 41-52, also see Leeke et al. column 47, lines 56-67, and see Leeke et al. column 48, lines 1-10).

As to claim 13, Leeke et al. as modified discloses comprising including a call-to-action statement during playback of the media sample (See Leeke et al. column 14, lines 64-67, also see Leeke et al. column 15, lines 1-37).

As to claim 14, Leeke et al. as modified discloses wherein the branded player is associated with a retailer (See Hayward page 1, paragraphs 0004-0005, prior art, wherein "retailer" reads on "content provider").

As to claim 15, Leeke et al. as modified discloses wherein the branded player provides a link to a consumer to purchase media that corresponds to the media sample (See Leeke et al. column 33, lines 1-45, also see Leeke et al. column 7, lines 5-37).

As to claims 16, and 20, Leeke et al. discloses a system for providing media samples comprising:

a plurality of internet-connected consumer devices for transmitting search requests online, the consumer devices including media players (See Leeke et al. column 4, lines 8-67);

a search engine for receiving consumer search requests from consumer devices, wherein the search engine identifies one or more media samples when a search request is received from a consumer, the search request includes one or more media keywords (See Leeke et al. column 5, lines 1-32, also see Leeke et al. column 21, lines 17-61); and

a media framework for retrieving an identified media sample selected by a consumer and for providing the media sample to the consumer device for playback on a media player associated with the consumer device (See Leeke et al. column 6, lines 3-62, wherein "sample" reads on "music testing component").

Leeke et al. does not teach wherein the media framework further downloads a branded player that is associated with the identified media sample so that the media player associated with the consumer device playbacks the identified media sample on the branded player.

Hayward teaches wherein the media framework further downloads a branded player that is associated with the identified media sample so that the media player associated with the consumer device playbacks the identified media sample on the branded player (See Hayward page 1, paragraph 0004, prior art, also see Hayward page 3, paragraphs 0028-0032).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. to include wherein the media framework further downloads a branded player that is associated with the identified

media sample so that the media player associated with the consumer device playbacks the identified media sample on the branded player.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Leeke et al. by the teaching of Hayward to include wherein the media framework further downloads a branded player that is associated with the identified media sample so that the media player associated with the consumer device playbacks the identified media sample on the branded player because it allows for better targeting and customization of distributed media leading to reduced business costs (See page 1, paragraph 0005, prior art).

As to claim 17, Leeke et al. as modified discloses wherein the search engine provides a link to the consumer device to access the identified media sample from the media framework, and wherein the media framework maintains reports of identity of the search engine that referred the consumer to the media framework, for billing the search engine for provision of the identified media sample to the consumer (See Leeke et al. column 7, lines 1-44, also see Leeke et al. column 32, lines 35-67, and see Leeke et al. column 33, lines 1-27).

As to claim 18, Leeke et al. as modified discloses wherein the media framework enables playback on the media player associated with the consumer device over a branded player (See Hayward page 1, paragraphs 0004-0005, prior art, wherein "retailer" reads on "content provider").

As to claim 19, Leeke et al. as modified discloses wherein the branded media player is associated with a retailer (See Leeke et al. column 14, lines 30-63, also see Leeke et al. column 33, lines 1-16).

As to claim 22, Leeke et al. as modified discloses wherein the identified media sample includes a call to action message (See Leeke et al. column 14, lines 30-67, also see Leeke et al. column 31, lines 31-48, wherein "call to action" reads on "limited duration samples").

Response to Arguments

4. Applicant's arguments with respect to claims 1-20, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
May 14, 2005

SAM RIMELL
PRIMARY EXAMINER